

**WASHINGTON COUNTY COMMISSION MEETING**  
**MINUTES**  
**APRIL 20, 2010**

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman James J. Eardley at 4:00 p.m. on April 20, 2010, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman James J. Eardley, Commissioner Alan D. Gardner, Commissioner Denny Drake, County Administrator Dean Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

*The Spectrum* was not represented at the meeting.

Commissioner Drake led the Pledge of Allegiance.

**AGENDA**

**CONSENT AGENDA:**

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor Approved Claims for Payment for April 7, 2010 through April 20, 2010
- Consideration of Approval of Regular Commission Meeting Minutes from April 6, 2010
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Administrative Adjustments / Real Property (attached)
- Consideration of Applications for Property Tax Abatement (3)  
Thu Derouin, S/N 1-DELC-1-1; Karen Ferguson, B000384; Glen Wurthen, S/N H-63-A-1-A
- Consideration of Applications for Settlement or Deferral of Property Taxes (5)  
Thomas & Tina Beck, Rex & Janice Dunkley, St. George Lodge #33, Iota LLC, Courtyard Residences

**ACTIONS OF THE WASHINGTON COUNTY PLANNING COMMISSION**  
**MEETING / 04-13-10**

**Conditional Use Permit:** Request permission to operate a twenty-four (24) hour therapeutic boarding school ("Brookhaven") (Country Living) for young men between the ages of 13 and 17 at Brookside. Michael C. Armstrong, Applicant.

**Conditional Use Permit:** Request permission for five (5) Zip Lines at Pah

Tempe, within the OST-20 Zone, unincorporated area of Washington County.  
Ken Anderson, Applicant.

**Conditional Use Permit Extension:** Review extension on a Tower for Verizon Wireless at Big Mountain communications facility in Section 4, T38S, R16W, on Forest Service property near Enterprise. Connie Misket/Technology Associates International Corporation, Agent.

At the Planning Commission meeting, Ms. Misket indicated that the Forest Service is still working on their application. They had to wait more than a full year for that agency to even look at it because they have been so busy. Pamela Gilbert with the Dixie National Forest is now processing the application, which may be another 4 to 6 months out. Planning Commission voted 6-0 in favor.

**Conditional Use Permit Extension:** Review extension to run a new transmission line from Central to the Middleton Substation and install a temporary line from the Middleton Substation to the St. George Substation, fencing and expansion on the existing facility and changes to the Black Gulch to Diamond Valley line. Rocky Mountain Power/ Project Manager Paul Henry, Applicant.

Mark Cox, Rocky Mountain Power representative, said the transmission line has been energized and all that is left on the Red Butte project is restoration and cleanup. Mr. Cox showed a map of the realignment of the Black Gulch to Diamond Valley, which was approved in October of 2009. The right-of-way agent indicated they are trying to align the poles so they are less intrusive. The new poles will be approximately 20' higher and the property owners were told the lines may have to go where existing lines are. This alignment was in place prior to the development of Paradise Estates Subdivision.

Planning Commission voted 6-0 in favor of approval of the extension for the transmission line from Central to the Middleton Substation and of the extension and revision on the Black Gulch to Diamond Valley line.

**MOTION:** **Motion by Commissioner Drake to Approve the Consent Agenda with the Exception of the Two (2) Conditional Use Permits for the Brookhaven Boarding School and the Zip Lines at Pah Tempe, which shall be considered separately under the Regular Agenda. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**REGULAR AGENDA ITEMS FOR CONSIDERATION:**

Chairman Eardley clarified that the Applicant, Michael C. Armstrong, has withdrawn his application for the Conditional Use Permit to operate a twenty-four (24) hour therapeutic boarding school ("Brookhaven") for young men at Brookside.

Additionally, the application for five (5) Zip Lines at Pah Tempe in the unincorporated area of Washington County was discussed further by Russ Gallian, the attorney for the applicant Ken Anderson. Mr. Gallian explained that the issue is that this area will soon be annexed into the City of Hurricane, which will be providing the water and power service to Pah Tempe Hot Springs. Chairman Eardley said that the position of the Commission is that, when a piece of property is pending annexation, it does not interfere and attempt to take over the project. The Commission prefers that the individual cities or municipalities take the lead in that process. The Commission has discussed this issue with Hurricane Mayor Tom Hirschi and arrived at a workable solution. Once an annexation petition has been filed with Hurricane City, then the Commission would approve this Conditional Use Permit. Such a filing would take less than one (1) week, and Mr. Gallian asked the Commission for conditional approval based upon that assurance. Proof of that petition would be submitted through Deon Goheen, Washington County Planner.

**MOTION: Motion by Commissioner Gardner to Approve the Conditional Use Permit for five (5) Zip Lines at Pah Tempe, within the OST-20 Zone, unincorporated area of Washington County for Ken Anderson, applicant, once the Petition for Annexation of that area is filed with the City of Hurricane. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

#### **EMERGENCY SERVICES REPORT / CORY PULSIPHER**

Lt. Cory Pulsipher of the Washington County Sheriff's Office said that search and rescue call-outs since his last report have been mainly medical assists. There were call-outs on March 25, 2010 (a mountain biker on Little Creek); on March 30 (the same mountain biker); April 17 (a hiker near Sand Cove); and on April 19 another mountain biker injury near Stucki Springs. In total, twenty-eight (28) members responded with eighty (80) hours donated.

#### **VOLUNTEER OF THE MONTH / LINDA SAPPINGTON**

Linda Sappington, Director of the Volunteer Center of Washington County, announced that this is the beginning of National Volunteer Week. She presented a report on the status of the Volunteer Center:

- The Volunteer Center currently has six (6) programs. The Retired and Senior Volunteer Program (RSVP) has 1,550 volunteers who give service in Washington, Iron, Garfield, Beaver and Kane Counties.
- The Senior Companion Program currently has forty (40) seniors providing for the needs of frail, elderly individuals who live in their own homes. Without the assistance of this senior companion volunteer, these people would most likely be in assisted living housing, at a substantial increase in cost to them and to the community in general.
- Foster Grandparent Volunteers work one-on-one with at-risk children in schools.
- The Senior Health Insurance Information Program (SHIP) provides information to Medicare beneficiaries who need help and direction in understanding the benefits that are available to them.
- There are two-hundred (200) open files in the Court-Ordered Community Service Program. These are individuals who often have many hundreds of hours to serve in the community to work off fines in lieu of incarceration.
- The Youth Volunteer Corps and Youth Court is another group under the aegis of the Volunteer Center. Currently, fifty (50) to sixty (60) students from sixth (6<sup>th</sup>) through ninth (9<sup>th</sup>) grade will perform one hundred (100) hours of community service in exchange for a five hundred dollar (\$500.00) education award towards college.
- The Volunteer of the Month and Silver Bowl Award winner is Barbara Biggs, a seventy-seven (77) year old woman who is a retired accountant, works the night shift at the Emergency Room at Dixie Regional Medical Center, is the Treasurer for Utah Association of Health Volunteer Organization, volunteers at the Volunteer Center, and will be visiting every hospital in the State of Utah during the next two weeks.

**PURCHASE REQUESTS / MARK BLANCH: NONE**

**PRESENTATION: WASHINGTON COUNTY BUSINESS PATRIOT AWARDS TO PC WIZARDS COMPUTER SERVICE CENTER AND WAXIE SANITARY SUPPLY**

Representatives from both of these companies were present to receive their Business Patriot Awards. Commissioner Drake commended them and other businesses in the community who E-Verify their employees for legal status prior to hiring.

**CONSIDERATION OF ORDINANCE NO. 2010-993-O, AN ORDINANCE AMENDING TITLE 10 OF THE WASHINGTON COUNTY CODE BY ADDING CHAPTER 25 (WIND ENERGY SYSTEMS AND FACILITIES)**

Deputy County Attorney David Patterson said that there have been many work meetings concerning this issue, including examination of similar ordinances in other counties. This

creates a whole new chapter in the County's Land Use Ordinance that deals with alternative forms of energy.

**MOTION: Motion by Commissioner Gardner to Adopt Ordinance No. 2010-993-O, An Ordinance Amending Title 10 Of The Washington County Code By Adding Chapter 25 (Wind Energy Systems And Facilities). Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2010-1437, A RESOLUTION APPOINTING A BOARD MEMBER TO THE SOUTHWEST REGIONAL RESPONSE AND COORDINATION TEAM (SWRRT)**

Mr. Pete Kuhlmann, former Undersheriff of Washington County and current Emergency Services Director, has expressed a willingness to serve on this Board, and Administrator Dean Cox recommended his appointment.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1437, A Resolution Appointing A Board Member To The Southwest Regional Response And Coordination Team (SWRRT). Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2010-1438, A RESOLUTION APPOINTING A BOARD MEMBER TO THE ROCKVILLE/SPRINGDALE FIRE PROTECTION SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD**

**MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2010-1438, A Resolution Appointing Linda Brinkley To The Rockville/Springdale Fire Protection Special Service District Administrative Control Board. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**CONSIDERATION OF RESOLUTION NO. R-2010-1439, A RESOLUTION APPROVING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ST. GEORGE FIELD OFFICE, AND WASHINGTON COUNTY AS A COOPERATING AGENCY**

Commissioner Gardner explained that this Memorandum of Understanding (MOU) concerns the Land Bill and some of the land use planning that is required in conjunction

with that legislation. This MOU affords Washington County considerable input into the process by virtue of its position as a cooperating agency.

**MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2010-1439, A Resolution Approving The Execution Of A Memorandum Of Understanding Between The Department Of The Interior, Bureau Of Land Management, St. George Field Office, And Washington County As A Cooperating Agency. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Eardley, Gardner, and Drake voting aye.**

**PUBLIC WORKS OR ROAD BUSINESS**

No items were presented today.

**COUNTY DEVELOPMENT AND PLANNING BUSINESS**

No items were presented today.

**Request an Executive Session**

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:37 p.m.

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CHRISTINE S. HALL  
DEPUTY CLERK

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JAMES J. EARDLEY  
CHAIRMAN